DOCUMENT RESUME

ED 264 347 UD 024 616

AUTHOR Coleman, James S.
TITLE Education in the Post-Brown Era.
PUB DATE 84
NOTE 16p.; In: Brown v. Board of Education of Topeka: An Assessment Thirty Years Later (Institute, West Virginia, February 10-11 and April 11-13, 1984). For proceedings, see UD 024 606.
PUB TYPE Speeches/Conference Papers (150) -- Viewpoints (120) -- Historical Materials (060)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Black Education; *Civil Rights; *Desegregation Effects; Federal Government; *Government Role; Political Attitudes; *Politics of Education; *Racial Relations; *School Desegregation; United States History
IDENTIFIERS Brown v Board of Education

ABSTRACT

The Brown decision of 1954 occurred when Blacks, who were migrating into the North in large numbers, became a highly visible political minority. Widespread interest in school integration on the part of the dominant majority stemmed more from a concern about societal integration than about the welfare of disadvantaged children. The Brown decision began as a demand by the politically dominant North that the South end its legal segregation by race in education. Over time, however, the civil rights movement pressured government into taking action against northern segregation as well. The pattern of "acceptable" school desegregation was eventually determined by a series of court decisions in local cases, and the executive branch of the Federal government also began to play a visible role following passage of the 1964 Civil Rights Act and the 1965 Elementary and Secondary Education Act. During the Nixon Administration, despite the president's opposition to integration, the desegregation movement became more unified, and in 1970 the largest amount of school desegregation ever to take place occurred in the Southeast. This massive desegregation happened smoothly, in a non-confrontational mode. Perhaps if the methods used to enforce the Brown decision had been different, the history of school desegregation would have been less conflict-ridden. (KH)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☑ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

EDUCATION IN THE POST-BROWN ERA

James S. Coleman
Professor of Sociology
University of Chicago

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY
Thomas W. Cole, Jr.
West Virginia State College
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

ED264347

A great deal has happened in education since 1954. Because so much has happened, because matters now in education are quite different than they were at that time, I want to focus on this period of change. First I want to ask about timing: Why did school desegregation begin when it did? Then I want to discuss the processes through which desegregation began to take place, and the transformation that desegregation goals underwent. Then I will say something about the consequences of desegregating schools in the way we have gone about it. And finally, I want to ask whether a different course could have been possible, and what might have been different outcomes if that had happened.

In all of this, I will be speaking about elementary and secondary education--not about higher education--which of course is most directly relevant to West Virginia State. Add I will discuss some things that not everyone will agree with. But on with the story.

The timing of the issue: Why did it happen when it did?

Blacks have been present in the United States as a significant fraction of the total population since the days of slavery. Yet it was only in 1954 that the issue of school integration fully opened up with the Brown case, decided by the Supreme Court. It was then a long period of time (until 1970) before the great mass of schools in the deep South desegregated; and it was only in the late '60's and '70's that the issue of affirmative integration to overcome de facto segregation became prominent.

Until the Second World War, Blacks in the U. S. were concentrated in the South, and in the South were principally located in rural areas. With the war, Blacks

UD 024 016

Presented at the Symposium celebrating Brown V. Board of Education Supreme Court Decision of 1954 (Institute, WV, February 10-11 and April 11-13, 1984).

moved into industrial areas of the North in large numbers, and after the war, the migration continued. What seemed to occur was that the presence of large numbers of Blacks in northern cities made Blacks a political force in America for the first time since reconstruction days. This political power arose in part from their own voting power at the polls, which had been suppressed in the South, but probably more important in the 1950's, it arose through sensitizing northern whites to an issue they were content to ignore so long as Blacks remained invisible on Southern farms or in stable Black ghettoes in northern cities, in New York's Harlem or Chicago's South Side. What is striking is that the segregation of Blacks in their de jure segregated Southern schools or their de facto segregated Northern ghetto schools was no less before the war than it was in the 1950's, yet this segregation was far from becoming the social issue that it did become in the '50's and beyond.

Thus there was a surge of immigration of a disadvantaged minority into northern cities, leading to a high proportion of a highly visible minority at the political center. This demographic change was the precursor to the issue of school integration. There were for a long period homogeneous ghettoes of disadvantaged minorities whose children went to de facto segregated schools; yet this was not regarded as a social evil to be eliminated until the minority grew through imigration. If it had been regarded as a serious social evil, it could have been at that time eliminated with far less protest from parents of the majority "advantaged" children than occurred later, because the numbers were so small.

This relation of the timing of the issue to a major demographic change, following the curiously silent prior period, suggests that widespread interest in school integration on the part of the dominant majority stems more from a concern about societal integration than about the welfare of disadvantaged children. The

timing suggests that a strong interest in bringing about school integration on the part of members of the dominant group arises only when societal integration (or perhaps its own cultural and political dominance) is threatened by growth of a culturally distinct minority. In this way, school integration can be seen as one of a class of strategies designed to fend off a threat from a culturally distinct group in society.

It would be valuable to examine what happens in different circumstances such as a case in which the politically dominant group was lower rather than higher achieving, so that the minority was not "disadvantaged." Here one would expect even stronger moves toward integration, for the ambivalence of the politically dominant group about a negative impact of integration on their own children would not be present. Quebec, with its English-speaking Protestant and Jewish minority, is one example; another is Malaysia, where native Malaysians are the politically dominant group, but the Chinese are an advantaged minority. Both of these countries have imposed certain restrictive policies on the advantaged minority, Quebec imposing a requirement of French as the language of instruction, and Malaysia making illegal the Chinese private schools.

At the other extreme, where the advantaged minority is dominant politically, as was true in the post-slavery deep South and is true in South Africa, the common pattern is one of imposed segregation. In such circumstances, the dominant advantaged minority sees no prospect of assimilating the disadvantaged, because of their numerical strength, and can maintain cultural dominance only by segregation.

Although in England the division has been a class one rather than ethnic or racial, the class division was sufficiently strong that similar patterns may be found in English education: During the long history of Tory dominance, until the first third of this century, separate private schools and elite state schools (the grammar schools) were used by the dominant minority, to help strengthen the class

segregation. When control passed to the disadvantaged minority with Labor's rise to power in the 1960's, many of the private schools were induced into the state system, and a move toward comprehensive (i.e., class integrated) schools was instituted. The same pattern can be found throughout that part of Europe with a feudal history, where the rule by an upper class elite has given way to rule by the majority only in the latter two thirds of this century.

The social and political processes through which moves toward desegregation arose.

First, the desegregation issue arose in the U. S. as part of a political conflict between the North and the South that had its origin in the slavery period and the Civil War. The issue of school desegregation in the United States was, until some time in the 1960's, nothing other than a demand by the politically dominant North that the South end its legal segregation by race in education. This demand, however, could not be imposed by the President or Congress because of the federal political structure, which made education an explicit responsibility of the states. This legally decentralized character of public education in the United States became an important determinant of the process through which desegregation policy has taken place.

If the political structure were not Federal, with education a responsibility of the states, then if a political subordinate sector of the country such as the South operated an explicitly dual system, the Department of Education could in one stroke require elimination of the dual system. Given the Federal structure, that was not possible; the departments of education which could do this in the United States were state departments of education. States in the North had long ago imposed this requirement on their local school districts; states in the South had not.

There was one governmental avenue in the United States through which the nation as a whole, controlled by the North, could require the South to eliminate

its dual school system. This was through reinterpretation of the Constitution by the Supreme Court, an action which took place in 1954 with the case of Brown v. Topeka (Kansas) Board of Education. The Brown ruling overturned the longstanding Plessy v. Ferguson decision which had affirmed the legality of racially dual schools.

Throughout the 1950's and well into the 1960's, the only issue of school desegregation was the North vs. South issue of eliminating the South's legally segregated school system. Armed with the Brown decision, the President and Congress could have imposed specific timetables on schools in the South for elimination of the dual system, but neither Eisenhower nor Kennedy nor Johnson nor Nixon did so. The border states eliminated their dual systems soon after the Brown decision, but those in the deep South did not, in some cases allowing their local districts to exercise local option, in come cases requiring them to maintain segregation.

Transformation of the school desegregation issue over time.

The Brown decision was a curious one. It ruled on constitutional grounds that a child had a right to attend a school without regard to race. Yet to strengthen the grounds for the decision, as a "makeweight" (to use the term that some constitutional lawyers have applied), the Court discussed the damage that segregation could impose on Black children--citing social science evidence (principally that of Kenneth and Mamie Clark) in support. The court ruled against de jure segregation, but in the opinion on which the decision was based, held that de facto segregation was harmful. Thus although the decision could hardly be read to declare de facto segregation unconstitutional, the issue of de facto segregation, and its social and educational consequences, was present in the Court's opinion.

The educational and political issue, however, of segregation which arose from sources other than a dual system--principally residential patterns, sometimes

assisted by gerrymandering of school attendance zones--grew slowly, beginning in the 1960's. In 1960 the civil rights movement began with sit-ins in Greensboro, North Carolina, followed by extensive demonstrations and civil rights marches in the South, against racial discrimination of all forms. With the emergence of the civil rights movement the new issue of affirmative school integration, to overcome de facto school segregation, arose.

The whole movement, first toward elimination of de jure segregation in the South, and then toward reduction of de factor segregation both North and South, arose outside government. Government action was in response to political demands by pressure groups. The major organized pressure was from groups acting on behalf of Blacks, groups which were part of the civil rights movement. Prominent among these was the NAACP and its Legal Defense Fund, which had brought the Brown case before the Court on behalf of a Black plaintiff, and supplied the social science evidence that the Court used in its opinion.

These pressure groups acting on behalf of Blacks were, especially in the early stages, not principally initiated by Blacks themselves, but by members of the dominant white majority. These pressures came in part at local levels, leading to struggles within school boards. In some cases to desegregation plans initiated by the school boards to engage in desegregation, and in some cases these were struggles over the timing and method of compliance with the Supreme Court 1954 decision. But in other communities, there was not a question of compliance with the Constitutional requirement (since the district had never been found to be out of compliance), but of voluntary integration, to reduce the segregation that had arisen through residential patterns. But it was in the existence of organized groups at the national level, and the actions by these groups in pressing local cases (principally in the courts) that the process was most strikingly initiated and pursued outside government.

The transformation of the issue from one of eliminating dual school systems in the South to one of reducing segregation wherever it was found occurred through a series of stages. At all stages, the principal arena was the courts, though the executive branch of the Federal government began to play a role beginning with the Civil Rights Act of 1964. In the courts, a typical scenario was this: A district in the South with a dual system would propose or actually initiate a desegregation plan to comply with the Brown decision (or after 1964, to comply with Federal guidelines established in implementation of the 1964 Civil Rights Act). This plan would be approved by the Federal Department of Health, Education, and Welfare. The plan was often a minimal plan, which formally eliminated the dual system but left a high degree of segregation in the system. For a period, a widely-used plan was a freedom-of-choice plan, designed by Southern districts to allow white children living in areas where the nearest school would be predominantly Black to transfer to a school which would be predominantly white. These plans were sometimes implemented in a way that discouraged Black children from transferring to predominantly white schools; but however they were implemented, they left a considerable amount of segregation. The plans were initiated by school boards which wanted to disturb the district as little as possible, and thus bring about acceptance of the plan by white parents.

There is some evidence that under the freedom of choice plans desegregation was increasing each year, through transfer of increasing numbers of Blacks to schools that were initially predominantly white. One may speculate that within a few years a high degree of integration would have been achieved through the exercise by Blacks of this newly won right without the massive movement of whites out of the district or into newly formed private schools. But as has been characteristic of the school desegregation issue in the United States throughout its history, it was not an issue decided by governing elites and accepted by all, but

fought by contending parties. This meant that bringing about immediate racial balance in a system that had been segregated was important as a symbolic victory, even if large numbers of whites left the system as a consequence, leaving each school predominantly Black.

But, when such a plan was initiated, in this typical scenario, the local or national NAACP would be unsatisfied with the result, and a suit would be brought by the NAACP Legal Defense Fund on behalf of a Black plantiff, to declare the plan unconstitutional. The Court, finding a high degree of segregation remaining, would decide that the dual system had not been eliminated, and a plan involving more extensive desegregation would be required, with the district remaining under the Court's supervision to determine that it was appropriately implemented. In this way, the pattern of "acceptable" school desegregation was determined by a series of court decisions in local cases.

Following the passage of the 1964 Civil Rights Act and the 1965 Elementary and Secondary Education Act, the executive branch was empowered, in the Department of Health, Education, and Welfare, to establish desegregation guidelines that school districts must meet, with the sanction being a cutoff of Federal funds that were provided by the 1965 ESEA. Though these funds constituted on the average only about 8 or 9 percent of school district operating expenses, this sanction was ordinarily effective in bringing about compliance with the Federal guidelines. These guidelines, however, became more stringent as a result of the series of court cases in which certain forms of desegregation, such as the freedom-of-choice plans, were found by the courts not to be acceptable.

An additional element was provided by the 1964 Civil Rights Act, for its criteria of non-discrimination went beyond the dual school system elimination which was the outcome of the Brown Supreme Court decision. Some districts in the North, with highly segregated but formally unitary systems, did not meet the

administrative guidelines that were being applied in the South by the Department of HEW. Very tentatively, and far from uniformly, requirements were imposed on some Northern districts, and the issues of desegregation began (in the late 60's and early 70's) to move to the North.

In 1968, an event occurred that was important for the course that school desegretation was to take. This was the election of Richard Nixon. Before Nixon's election, through most of the 1960's, there was a struggle for control of the civil rights movement, and for the direction that the movement would take. The two major contenders were NAACP and CORE; and the directions they pursued were diametrically opposed. NAACP pushed for integration, of Blacks, in the school system as well as in other areas of life. CORE pushed for Black nationalism, Black pride, Black control, Black separatism. In the eyes of some part of the civil rights movement, NAACP's goals were not militant but accomodating; they were assimilationist, sacrificing Black identity for integration with whites.

Nixon's candidacy had an interesting effect. It unified Blacks in opposition; and Nixon was an opponent of racial integration in education. Nixon's opposition removed the stigma of accommodationism from the NAACP's goals of integration, and unified the civil rights movement behind these goals. The Black nationalist and separatist goals of CORE and other groups which had been regarded as more radical now played into the enemy's hands, because they fit Nixon's own anti-integration predispositions. Thus the desegregation movement gained a strength and unity, and was never again seriously challenged by the anti-integration vanguard among Blacks in the civil rights movement.

It is interesting further to note that by far the greatest reduction in school segregation throughout the whole period under discussion (and very likely in the history of American education) came in the Fall of 1970, during Nixon's

administration. In one year the schools in the Southeast changed from the most racially segregated in the country to the least. This was not by executive intention, but rather by court edict during the preceding year, to the effect that all remaining dual systems in the South must desegregate by Fall 1970. What was surprising, however, was that this massive change took place almost without incident.

It is probable that the success of this massive change was in part due to the use by the Federal government of firm and non-confrontationalist tactics toward Southern districts for the first time. Under the guidance of George Schultz--now Secretary of State--as vice-chairman of the domestic council, state biracial committees were set up and Federal, state and local levels worked together to meet the Court's requirement. The success of this non-confrontationist mode of bringing about school desegregation suggests that a similar process, if initiated by Eisenhower immediately after the Brown decision, could have brought about school desegregation far more rapidly and more peacefully than actually occurred, with less loss of whites to other districts or to private schools.

The principal process through which the issue of school desegregation moved to the North was again litigation in the courts. The situation was this: the increasingly stringent criteria applied in the South, together with the existence of Northern districts which clearly did not meet these criteria, were leading to what was in effect a double standard between the two regions. Armed with the legal weapons that had been developed and sharpened in the South, the Legal Defense Fund and others who had pressed the Southern cases moved North. Citywide bussing had been established as a precedent in a landmark case in Charlotte, North Carolina, and was increasingly argued as a remedy in court cases in Northern cities.

But remedy for what? The Northern cities had never maintained dual systems, so it would seem that these cases would be argued on grounds of the benefits of

integration for disadvantaged children. This, however, neglects the special characteristics of courts as the arena within which the struggle occurred. The Court's task was not to bring about an optimum educational experience for Black children; its task was the minimal one of protecting constitutional rights of all children to education administered in a nondiscriminatory way: equal protection under the 14th Amendment of the Constitution. Dual school systems by race were discriminatory, and had been struck down by the Court; but the Northern systems had not been dual. What the plaintiffs had to do in order to achieve the goal of integration was to show that a system although formally unitary had in fact discriminated against Blacks (or in later cases, such as the Keyes case in Denver, against Hispanics) thus in effect acting as a dual system, just as had the districts of the South. It was often not hard to locate some action which was intended to be, or could be interpreted to be, discriminatory; and given the early-established precedent that discriminatory action anywhere in the system justified or necessitated a system-wide remedy, the goal of achieving a court decision requiring system-wide integration would be accomplished.

Consequences of the special patterns of American desegregation policy.

It is clear from all the above that the desegregation policy in the United States has not been "policy" at all, but has been the outcome of a series of confrontations, principally at local levels, principally in the courts, and principally between the organized civil rights movement as representatives of local plaintiffs, and local school systems. This has had a number of consequences for education.

1. The fact that the Court was the principal arena, violation of Constitutional rights the principal basis on which cases were to be tried, and that there was almost total lack of trust between the parties involved, meant that the remedies which were required by the courts were often defective educationally.

They often required immediate compliance (the next Fall) with drastic reassignment plans, giving the districts little time to prepare teachers and community. They seldom provided additional money to accomplish a much more complex task than before. They used racial counts as criteria of success, rather than criteria more directly related to the children's welfare.

2. The fact that desegregation was ordinarily the outcome of a contentious struggle in the courts meant that attention was directed to symbolic victories rather than educational consequences. The interest groups which pressed the case were finished when they had won it; they showed little interest in insuring that the desegregation victory had beneficial educational consequences for Black students. At the same time, the school districts, acting under pressure, had less incentive to make their desegregated schools educationally effective than if they had been active participants in a cooperatively-developed plan. The more bitter the battle, the more reason they had to sabotage the plan imposed upon them.

3. The legal constraints of the court cases, dictated by the requirement to find discriminatory official actions on the part of a school district, largely confined desegregation policy to single districts, and most often central-city districts. This created an incentive for white parents of the sort most harmful to desegregation goals: to move across school district lines into a neighboring district with few Blacks. (Such a district will also be unlikely to face litigation: with few Blacks, it is unlikely to be charged and found guilty of discriminatory actions toward Blacks.) If there is one point on which all researchers in desegregation are agreed, it is that whatever policies are applied should be metropolitan-area wide, to prevent the creation of incentives for parents (particularly white parents) to act in a way that defeats the goals of desegregation. Yet the legal issues on which desegregation court cases have been based has made that impossible in all but a few cases (where inter-district collusion to discriminate is found).

Could it have happened otherwise?

Even with all the defects of desegregation policies in the United States, it might be argued that it could not have happened otherwise; that dual school systems were so entrenched in the South, and lack of contact between whites and Blacks was so characteristic of the North, that desegregation had to be a contentious battle. But before too quickly agreeing to this, we should ask, how much better off are we now than before? The answer I think is clear for Black children in the South: they are better off than before school desegregation took place. For education in the South generally, the answer is less clear: in some areas, a stable, largely white set of private schools has emerged from the desegregation controversies, so that segregation has not been overcome, but has in part merely shifted its grounds. In the North, the answer is also not clear: desegregation actions in central cities have sharply increased white flight from the schools of those cities to the suburbs. It is not clear whether segregation (overall, segregation, not merely within a district, but also including that which lies between districts) is greater or less now in the North than would have been if less confrontationist, more strategic, actions had been taken. Certainly there have been segregative side-effects to desegregation actions in the central cities.

There is far less confidence in the public schools today than in the 1950's before school desegregation began, and there is a resurgence of interest in private schools. Some of this is certainly due to a public reaction to the way desegregation has been carried out in the schools.

It seems quite conceivable that matters might have taken a very different turn. If in 1954, Eisenhower had accepted at face value the Supreme Court's decision, and had required that all school districts with dual school systems immediately comply with the law, aided with Federal funds and Federal support in

implementation, then a number of consequences would have followed. First, he probably would have been able to get away with it. This is what many Southerners expected after the Brown decision. Dual school districts were more expensive to operate, and a burden on many school districts. Second, desegregation would not have been a disguise for a battle over control of the school system, as it had in many localities. By addressing the issue before it had become a battleground in which offensive and defensive positions had been taken, it might have been possible to direct the attention of both parties to making desegregation succeed. There has been enormous effort and extensive resources used in the struggle over desegregation. If Eisenhower had, at the very outset, required compliance with the law, then it might have been possible to use those resources much more productively, in implementing desegregation.

If all this had happened in eliminating the legal issue of "dual systems," then the subsequent history of school desegregation might not have been played out in the courts, as it has in fact, but by local, state, and Federal educational officials. The results would certainly have been varied, and far from full scale "integration of the schools." But they might be more integrated than at present, and on a more promising path to the future. It may be of course that none of this could have come about; the issue may have been one that from the outset was too conflict-laden to be settled in any way other than direct legal battles. Or political processes in the United States may be so contentious and so little responsive to leadership by a respected elite that no less conflict-ridden course of events would have been possible. Whether a different scenario than the one that actually occurred was possible in the United States is a matter about which one can only speculate.

Where then does that leave us? What shall we do now? I believe we have finally reached the point where some attention may be given to making desegregation

work. Whites have finally begun to share power with Blacks and have begun to gain respect for Blacks. Blacks have begun to recognize the efforts necessary to making the benefits provided by the legal victories real benefits. There is some respite in the legal battles, and the danger is that problems of segregation will be forgotten until those battles must be fought once again. But there is also the opportunity to make education work, and work equally well for Black children, white children, and all children of the polyglot nation we have become.